

Message Text

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SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF
MARIHUANA

REF: STATE 57902

1. CANADIAN AUTHORITIES EXPECT A REVISION OF THE PRESENT
NARCOTIC CONTROL ACT OF 1960-1961 TO REFLECT PENALTIES
IMPOSED. AS CURRENTLY WRITTEN, THE LAW DOES NOT
DIFFERENTIATE BETWEEN MARIHUANA AND HARD DRUGS; ACTUAL
ENFORCEMENT DOES.

2. FOR POSSESSION OF A NARCOTIC A PERSON IS LIABLE: "(A)
UPON SUMMARY CONVICTION FOR A FIRST OFFENCE, TO A FINE OF
ONE THOUSAND DOLLARS OR TO IMPRISONMENT FOR SIX MONTHS OR
TO BOTH FINE AND IMPRISONMENT, AND FOR A SUBSEQUENT
OFFENCE, TO A FINE OF TWO THOUSAND DOLLARS OR TO IMPRISON-
MENT FOR ONE YEAR OR TO BOTH FINE AND IMPRISONMENT; OR
(B) UPON CONVICTION ON INDICTMENT, TO IMPRISONMENT FOR
SEVEN YEARS." IN PRACTICE, HOWEVER, POSSESSION OF MARI-
HUANA FOR PERSONAL USE (I.E. OF SMALL AMOUNTS) DRAWS FOR
THE FIRST-TIME OFFENDER EITHER AN ABSOLUTE DISCHARGE OR A
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PAGE 02 OTTAWA 01792 212153Z

CONDITIONAL DISCHARGE WHEREBY THERE IS NO CONVICTION, NOR
SENTENCE AND AFTER 6-24 MONTHS OF "GOOD" PROBATION TIME,
THE DISCHARGE BECOMES ABSOLUTE. A SECOND SUCH OFFENCE
WOULD RESULT IN A FINE OF \$50 OR MORE. A THIRD OR LATER
OFFENCE MIGHT RESULT IN A LARGER FINE AND/OR EVEN UP TO
30 DAYS IN JAIL.

3. FOR TRAFFICKING IN A NARCOTIC A PERSON "IS GUILTY OF AN INDICTABLE OFFENCE AND IS LIABLE TO IMPRISONMENT FOR LIFE." IN PRACTICE, TRAFFICKING IN MARIHUANA (I.E. POSSESSION OF LARGE AMOUNTS) DRAWS LESSER SENTENCES THAN TRAFFICKING IN HARD DRUGS. QUANTITY, PRIOR RECORD, NATURE OF OFFENCE, AND TYPE OF OPERATION DETERMINE THE PENALTY. A TRAFFICKER WITH NO PREVIOUS RECORD, SELLING ONLY A SMALL QUANTITY, MIGHT SERVE ONLY 30 DAYS ON WEEK-ENDS. A REPEATING OFFENDER, DEALING IN LARGE QUANTITIES, AND PARTICIPATING IN AN OPERATION OF SOME SCOPE COULD DRAW UP TO TEN YEARS.

4. FOR IMPORTATION OF A NARCOTIC, THE OFFENDER "IS GUILTY OF AN INDICTABLE OFFENCE AND IS LIABLE TO IMPRISONMENT FOR LIFE BUT NOT LESS THAN SEVEN YEARS." IN PRACTICE, CANADA ALLOWS IMPORTERS OF SMALL AMOUNTS (OUNCES) OF MARIHUANA TO PLEAD TO THE LESSER CHARGE OF POSSESSION. IMPORTERS OF A FEW POUNDS MAY PLEAD TO TRAFFICKING. IMPORTERS OF SUBSTANTIALLY LARGER AMOUNTS DRAW AT LEAST THE MINIMUM SEVEN-YEAR SENTENCE, UNLESS THEIR ASSISTANCE TO THE AUTHORITIES ENABLES THEM TO PLEAD TO TRAFFICKING, ALSO.

5. COMMENT: ALTHOUGH CHANGE IN LAW AS PER PARA 1 IS A HIGHLY CONTROVERSIAL MATTER IN PARLIAMENT, BEFORE WHICH BILL HAS BEEN FOR SOME TIME, CANADIAN AUTHORITIES STILL EXPECT REVISION TO PASS THIS YEAR. ENDERS

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